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**From:** sullivan.melissa@epa.gov [sullivan.melissa@epa.gov]  
**Sent:** 9/14/2021 2:56:48 PM  
**Subject:** Fwd: Media Inquiry: ELG Rule Compliance Questions

1. The utilities say that there is an Oct. 13 deadline for them to notify the West Virginia Department of Environmental Protection whether they intend to retire the plants to comply with the ELG rule. Is that true, and if so, can that deadline be extended?  
**EPA RESPONSE:** The current ELG requires that facilities intending to participate in the subcategory for permanent cessation of coal combustion must file a notice of planned participation with their permitting authority (in this case, WVDEP) no later than October 13, 2021. Nothing in the rule provides for an extension of this deadline and EPA has no intent to revise this requirement via rulemaking over the next month. However, a facility who had properly incorporated transfer provisions under Section 423.13(o) may be able to transfer out of the permanent cessation of coal combustion subcategory at a later date pursuant to those provisions.
2. If the Companies later decide not to complete ELG compliance improvements for some units, will they be required to cease coal operations at those units by each unit's ELG compliance deadline (June 30, 2023 for Mitchell, Dec. 31, 2022 for Amos and June 1, 2022 for Mountaineer)?  
**EPA RESPONSE:** If the permitting authority (in this case, WVDEP) has determined a "no later than" date under 423.11(t), then a facility must comply with limitations by this date either through changes in operations, installation of additional pollution control technology, or cessation of discharge (e.g., by ceasing operations).

Begin forwarded message:

**From:** Mike Tony <mtony@hdmediallc.com>  
**Date:** September 9, 2021 at 5:29:54 PM EDT  
**To:** "Sullivan, Melissa" <sullivan.melissa@epa.gov>  
**Cc:** EPA Press Office <press@epa.gov>  
**Subject:** Re: Media Inquiry: ELG Rule Compliance Questions

I will be filing this story shortly, but I would still be grateful for any response that you can provide whenever you can provide it. Thank you again.

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**From:** Sullivan, Melissa <sullivan.melissa@epa.gov>  
**Sent:** Thursday, September 9, 2021 5:19 PM  
**To:** Mike Tony <mtony@hdmediallc.com>  
**Cc:** EPA Press Office <Press@epa.gov>  
**Subject:** Media Inquiry: ELG Rule Compliance Questions

**CAUTION:**

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the senders email address and know the content is safe.

Good afternoon Mike,

We at HQ received your inquiry from our colleagues.

We are checking on your questions.

Is an extension is possible?

Thank you,  
Melissa

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**From:** Mike Tony <[mtony@hdmediallc.com](mailto:mtony@hdmediallc.com)>  
**Sent:** Thursday, September 09, 2021 12:34 AM  
**To:** White, Terri-A <[White.Terri-A@epa.gov](mailto:White.Terri-A@epa.gov)>; Seneca, Roy <[Seneca.Roy@epa.gov](mailto:Seneca.Roy@epa.gov)>; Sternberg, David <[Sternberg.David@epa.gov](mailto:Sternberg.David@epa.gov)>  
**Subject:** ELG Rule Compliance Questions

Hope you're doing well. I'm working on a story on the Appalachian Power and Wheeling Power electric utilities requesting that the West Virginia Public Service Commission reopen a case in which they're seeking approval for implementation of and cost recovery for compliance with the EPA's coal combustion residual and effluent limitation guidelines at three different in-state coal-fired power plants. I have the following questions that I was hoping you could provide responses for by my deadline of 3:30 p.m. today. Thank you very much regardless.

1. The utilities say that there is an Oct. 13 deadline for them to notify the West Virginia Department of Environmental Protection whether they intend to retire the plants to comply with the ELG rule. Is that true, and if so, can that deadline be extended?
2. If the Companies later decide not to complete ELG compliance improvements for some units, will they be required to cease coal operations at those units by each unit's ELG compliance deadline (June 30, 2023 for Mitchell, Dec. 31, 2022 for Amos and June 1, 2022 for Mountaineer)?
3. Is it true, as the utilities report, that the EPA has tolled an April 11, 2021 deadline date to begin closing bottom ash ponds at the three coal-fired power plants (the Amos, Mitchell and Mountaineer facilities) pending its decision on the extension requests and has not issued a decision regarding their requests to extend the CCR rule deadline? (pages 20 and 21 here)

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